

**Notice of Allowability**

Application No.

10/623,384

Applicant(s)

OHR, JAMES PHILIP

Examiner

Art Unit

Tuan V. Thai

2186

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/23/2005.
2. ☒ The allowed claim(s) is/are 1-25 renumbered as 1-2, 4-8, 13-25, 9-12 and 3 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

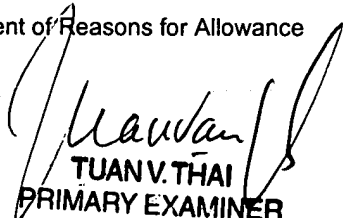
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TUAN V. THAI  
PRIMARY EXAMINER

Application/Control Number: 10/623,384

Art Unit: 2186

Attorney's Docket No.: 5760-12300

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

In re application of:      Ohr, James Philip      Group:      2186  
Serial No.:                      10/623,384                      Examiner:      Tuan Thai  
For:              *DATA RESTORE MECHANISM.*

1.      This action is responsive to amendment filed on September 23, 2005.      Claims 1-25 are now allowed.

REASONS FOR ALLOWANCE

2.      The following is an Examiner's Statement of Reasons for Allowance:

        The prior arts of record; particularly the closest prior arts of Tim ('051) and Coombs ('149), do not teach or suggest, alone or in combination, **all** the combined limitations of the claims (claims 1, 8, 9 and 15) of the current invention. Particularly, the prior arts of record neither teach or suggest a restoration of the granularity individual data blocks of files and providing access to the restored individual data blocks to the application WHILE the restoration is in process, nor does the prior arts of record disclose the file server which actually

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determines (during the restore operation) and directs the restore application to restore one or more blocks as being claimed in the current claims 1, 8, 9 and 15 of the current invention. Both Tim and Coombs references are directed to the restoration at the granularity of files level, and restored data can not be accessed until the restoration is completed; Tim and Coombs references do not teach a file server for determining and directing, during a restore operation, one or more blocks of data of a file is needed by an application that have not been restored and the file server directing the restore application to restore said one or more blocks of data. In light of the foregoing, claims 1, 8, 9 and 15 of the present application are found to be patentable over the prior arts. Claims 2-7, 10-14 and 16-25 further limit the allowable independent claims 1, 8, 9 and 15. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4182. The examiner can

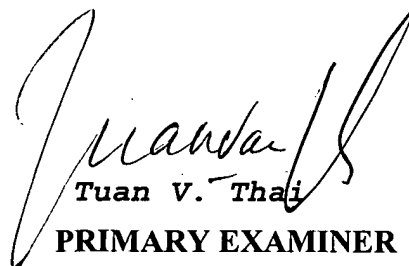
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normally be reached on from 6:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/December 12, 2004

  
Tuan V. Thai  
**PRIMARY EXAMINER**  
**Group 2100**